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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PENDLETON, BRIAN T	

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/923,280	LAZZERONI ET AL.	
	Examiner	Art Unit	
	Brian T. Pendleton	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7, 8, 10, 14, 15, 17-21, 25, 26, 28-32, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donner in view of Mai et al. Donner discloses a system comprising a plurality of vehicle audio accessories 1, 2; a switching section 3 coupled to the vehicle audio accessories 1, 2; and a controller 4 for receiving the audio signals from vehicle audio accessories 1, 2 and providing control signals to switching section 3 and an output section containing speakers 5-8. The instruction set is found in memory section 20. Donner does not disclose an explicit input section for receiving the audio signals from the vehicle audio accessories and coupling the signals from the input section to the switching section and to the controller. Donner does disclose a mobile telephone 30 as one of the audio accessories which inherently has a microphone. Mai discloses a voice operated switch comprising a microphone audio signal (composite voice/noise signal) and a low pass filter 14 (an input section) for producing a low pass filter output. The benefit of using a low pass filter output with respect to a microphone audio signal was to access the amount of noise in the microphone signal. As a result, voice/no voice signal discriminators compared the noise quantity to the microphone signal to make a voice determination. It would have been obvious to one of ordinary skill in the art at the time of invention to include the circuitry of Mai in the telephone 30 of Donner for the

purpose of instituting a voice determination circuit which would be able to switch on the mobile telephone in the course of the user speaking. Claims 1 and 20 are met. Per claims 2, the audio accessories can be music sources. Regarding claims 3, 10, 21, and 32, there is disclosed first and second level audio sources (low quality and high quality entertainment systems 1 and 2). Per claims 4 and 8, an alternative embodiment in figure 6 discloses a mobile telephone 30 which inherently has a microphone. As to claim 7, the mobile telephone 30 is a wireless communications device. Regarding claims 14, 15, 25 and 26, switching section 3 has a plurality of switches in figure 3. As to claims 17 and 28, the mobile telephone 30 has a microphone and memory 20 provides the instruction set to switch to the telephone 30 in response to the microphone signal (which is part of the communication signals produced by the telephone). See also column 7 lines 38-44. Per claims 16 and 27, the controller 4 is a microprocessor which inherently is a programmable controller chip. Regarding claims 18, 29 and 37, the combination comprises a low pass filter in the microphone audio signal path for producing a low pass filter output and an instruction set for comparing the microphone audio signal with the low pass filter output to obtain a voice difference signal and switching in response to the voice difference signal. As to claims 19 and 30, there is disclosed a pair of speakers. Similarly, method claims 31 and 36 are met by the apparatus of Donner.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donner in view of Mai and further in view of Wang. The combination of Donner and Mai does not disclose a headset microphone as one of the vehicle accessories. Wang discloses a hands-free headset for use with a mobile telephone 20 comprising a microphone 142. It was beneficial to use a hands-free headset with mobile telephone devices since it was dangerous to drive with one hand and

hold the telephone with the other hand. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the hands-free headset taught by Wang in the combination of Donner and Mai for the purpose of creating a safer driving environment with a mobile telephone.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donner in view of Mai and further in view of Lustig. The combination of Donner and Mai does not disclose that the vehicle accessories are a pair of headset microphones. Lustig discloses a communication system for helmeted motorcycle riders comprising a pair of headset microphones 38 and 75 and a switching system 99 for switching between the intercom signals and a broadcast radio signal. Thus, there was a need in the art for a switching system between vehicle accessories such as a pair of headset microphones and a radio broadcast. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the pair of headset microphones in the combination of Donner and Mai where an automatic switching system already exists for the purpose of providing intercommunication among vehicle occupants.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donner in view of Mai and further in view of DeLine et al. The combination of Donner and Mai does not disclose that the vehicle audio accessories comprise a radar detection system. DeLine discloses an interior rearview mirror sound processing system comprising a radar detection system which can be incorporated into the audio system. Since it was well known as evidenced by DeLine to have a radar detection system in the audio system of a vehicle, it would have been obvious to include such a system in the vehicle invention of Donner and Mai for the purpose of providing a radar detection signals to the driver.

Claims 11, 22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donner in view of Mai and further in view of Eggers et al and further in view of Hadley, US Patent 5,243,640. The combination of Donner and Mai discloses a general mobile communications device but does not disclose a citizen's band radio having a citizen's band radio audio signal and combining the general mobile communications device signal with the citizen's band radio audio signal. Eggers discloses a dual audio program system comprising a plurality of audio accessories and a switching circuit for a vehicle. Column 3 lines 7-15 disclose that the radio broadcast program which is one of the audio accessory signals can be a citizen's band radio signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a citizen's band radio in the combination of Donner and Mai since it was well known to possess that device in automobiles. In addition, Hadley discloses a switching system for an automobile comprising audio accessories 25, 26, summer 27 and output speaker 34. Column 3 lines 55-64 suggested that the radio program from radio 25 be combined with the audible tones generated by phone 26 for the purpose of not interrupting a first accessory when a second accessory is not in use and furthermore when the second accessory is in use, the first accessory will still continue to output audio signals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the adding function of Hadley in the combination of Donner, Mai, and Eggers for the purpose of not interrupting the citizen's band radio signal when a telephone call from general mobile communications device 30 is present.

Claims 12, 23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donner in view of Mai and further in view of Kishi et al, and further in view of DeLine and

further in view of Eggers. The combination of Donner and Mai does not disclose that the vehicle accessories are a geographic designation system having an audio signal and a radar detection system having an audio signal and circuitry for combining the audio signals. Kishi discloses an aural geographic guidance system comprising GPS receiver 14, current position determination section 12, voice storage section 332, voice control section 30 and output speakers 34. GPS was well known in the art and its benefits for guiding vehicle drivers through simulated vocal sounds were obvious. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a GPS audio system in the combination of Donner and Mai for the purpose of instructing the driver of driving directions while he/she could stay focused on navigating the vehicle. Similarly, it was also obvious to include a radar detection system, as taught by DeLine. Eggers taught combining signals from several audio accessories in an automobile ensuring that a first accessory's audio output is not interrupted by a second accessory. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the audio signals from a GPS system and a radar detection system for the purpose of assuring that the GPS system audio signals are not cut off in the event of a radar detector signal output.

Claims 13, 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donner in view of Mai and further in view of Eggers. The combination of Donner and Mai does not disclose signal leveling circuitry for leveling the audio signals with respect to one another. Eggers discloses a leveling circuit in switching circuit 41 for source signals A and B through the use of foreground program volume controller 15 and background program volume controller 16. The advantage of such a circuit was to prioritize the audio signals and make sure the most

important audio source is heard over any other audio source, as taught in column 3 lines 17-53. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the leveling circuitry of Eggers in the invention of Donner and Mai for the purpose of prioritizing the signals from the low and high quality entertainment systems.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishigaki et al, US Patent 4,347,510.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian T. Pendleton
Primary Examiner
Art Unit 2644

btp